



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ligang Zhang

Title: SURFACE INDUCTOR

Application No.: 09/997,378

Filed: November 30, 2001

Examiner: Tuyen T. Nguyen

Group Art Unit: 2832

Atty. Docket No.: 026-0024

Confirmation No.: 3513

June 28, 2007

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT (37 C.F.R. § 1.705)**

Applicant hereby requests reconsideration of the patent term adjustment indicated in the Notice of Allowance mailed on April 18, 2007.

**Statement of Facts:**

1. The correct patent term adjustment and basis(es) under 37 C.F.R. § 1.702 for the Adjustment (37 C.F.R. § 1.705(b)(2)(i):

The patent term adjustment shown on the Notice of Allowance is 0 days. It is respectfully suggested that the correct patent term adjustment is 338 days, in accordance with 37 C.F.R. § 1.702, subsection(s) (a)(1) and (2).

Basis: As indicated by the PAIR System, the PTO Delay calculation shows an adjustment of 194 days for failure to mail at least one notification under 35 U.S.C. 132 or a Notice of Allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), as provided under 37 C.F.R. § 1.703(a)(1). This calculation is correct.

The PTO Delay calculation shows an adjustment of 460 days for failure to mail at least one notification under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151 not later than four months after the date a reply under § 1.111 was filed, as provided under 37 C.F.R. § 1.703(a)(2). This calculation is correct.

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The PTO Delay adjustment was reduced by an indicated Applicant Delay of 685 days, under 37 C.F.R. § 1.704, to result in an indicated net adjustment of 0 days. This indicated Applicant Delay is disputed below, and the correct adjustment under 37 C.F.R. § 1.703(f) is believed to be 338 days.

2. The relevant dates under 37 C.F.R. § 1.703(a)-(e) for which an adjustment is sought and the adjustment as specified in 37 C.F.R. § 1.703(f) to which the patent is entitled (37 C.F.R. § 1.705(b)(2)(ii)):

Adjustment is sought for the following date: 11/15/04.

Adjustment to be made for this date: 369 days.

Basis: The PAIR System indicated an Applicant Delay of 369 days, based upon an alleged delay in responding to a Restriction Requirement mailed on August 12, 2003. A Response to the Restriction Requirement was timely filed via facsimile on September 3, 2003, for which the sending unit's report confirming transmission was received shortly thereafter indicating that the Response was received by the PTO on September 3, 2003. This Response was filed well within the one-month period, but was apparently not accorded effect until much later, resulting in the alleged Applicant Delay.

Reliance is made on the Certificate of Transmission date of September 3, 2003 for this Response, and the sending unit's report confirming transmission, indicating an actual receipt of the Response by the PTO on September 3, 2003. A copy of this confirmation of transmission is submitted herewith.

Applicant respectfully requests the total Applicant Delay calculation be changed to three hundred sixteen (316) days.

3. Any patent granted on this application (37 C.F.R. § 1.705(b)(2)(iii)):

☒ is not subject to a terminal disclaimer.

☐ is subject to a terminal disclaimer, and the expiration date specified in the terminal disclaimer is n/a (date).

4. As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. § 1.704 (see 37 C.F.R. § 1.705(b)(2)(iv)):

☐ there were none (37 C.F.R. § 1.705(b)(2)(iv)(B)).

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☒ these were as follows (37 C.F.R. § 1.705(b)(2)(iv)(A)):

The filing of an alleged informal or non-responsive Amendment on 11/15/04 having an associated delay of 136 days under C.F.R. § 1.704(c)(7).

The filing of an Information Disclosure Statement on 9/27/05 having an associated delay of 180 days under 37 C.F.R. § 1.704(c)(8)

The Fee set forth in 37 C.F.R. § 1.18(e) (\$200.00), required by 37 C.F.R. § 1.705(b)(1), is paid as follows:

- ☐ a check is enclosed for (or including) this Fee.
- ☐ please charge this Fee to Deposit Account 50-0631
- ☒ please charge this Fee to credit card (Form PTO-2038 enclosed).
- ☒ The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or 1.17 that may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that, on the date shown below, this correspondence is being

- ☐ deposited with the US Postal Service with sufficient postage as first class mail in an envelope addressed as shown above.
- ☒ facsimile transmitted to the USPTO.
- ☐ transmitted using the USPTO electronic filing system.

Nicole Teitler Cave 6/28/07  
Nicole Teitler Cave Date

Respectfully submitted,



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**ZAGORIN O'BRIEN GRAHAM LLP***Intellectual Property Attorneys*7600B N. CAPITAL OF TEXAS HWY, SUITE 350  
AUSTIN, TEXAS 78731**FACSIMILE TRANSMITTAL TO USPTO**

<b>To:</b> Mail Stop ISSUE FEE USPTO	<b>Fax No.:</b> (571) 273-2885
<b>Date:</b> June 28, 2007	<b>Pages:</b> 8 (including this sheet)
<b>From:</b> Nicole Teitler Cave	<b>Sender's Phone No.:</b> (512) 338-6300 <b>Sender's Fax No.:</b> (512) 338-6301

**REGARDING:**

<b>Title:</b> SURFACE INDUCTOR	
<b>Application No.:</b> 09/997,378	<b>Filed:</b> November 30, 2001
<b>Examiner:</b> Tuyen T. Nguyen	<b>Group Art Unit:</b> 2832
<b>Atty. Docket No.:</b> 026-0024	<b>Confirmation No.:</b> 3513

**ATTACHED HERETO:**

- (1) Issue Fee Transmittal (1 page)
- (2) Fee Address Indication Form (1 page)
- (3) Application for Patent Term Adjustment (3 pages)
- (4) Copy of Confirmation of Facsimile Transmission of Sept. 3, 2003 (1 page)
- (5) Credit Card Payment Form PTO-2038 (1 page)


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I hereby certify that, on the date shown below, this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office.

  
 Nicole Teitler Cave

 6/28/07  
 Date

Respectfully submitted,

  
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Zagorin O'Brien Graham

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Zagorin O'Brien & Graham

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**FACSIMILE MESSAGE TRANSMITTAL**

<b>TO:</b>	Examiner Tuyen Nguyen	<b>PHONE #:</b>	703-308-0821
<b>FROM:</b>	Mark Zagorin	<b>DATE:</b>	September 2, 2003
<b>SUBJECT:</b>	Response to Restriction		
<b>YOUR REF:</b>	09/997,378	<b>OUR REF:</b>	026-0024
<b>FACSIMILE #:</b>	703-305-7724	<b>PAGES:</b>	2 (including this transmittal)

**MESSAGE**

Please see attached.